<u>REMARKS</u>

Claims 1-18 are currently pending in the application. As indicated above, Claim 1, 4, and 7 have been amended.

In the Office Action, the Examiner has rejected Claims 1-3, 7-16, and 18 under 35 U.S.C. § 101 as lacking patentable utility.

Further to our previously presented arguments from the response filed on June 18, 2004, and as was discussed in a telephone interview on July 15, 2004, between Examiner Matthew C. Dooley and Attorney Douglas M. Owens, it is gratefully acknowledged that the Examiner has agreed that Claim 4 should not be rejected under 35 U.S.C. § 101 as lacking patentable utility. Further, the Examiner asserted that Claims 1 and 7, as amended above to include the phrase *in a mobile communication system*, would overcome the rejections under 35 U.S.C. § 101. Additionally, the Examiner requested that the parenthesis around the defined variables in the claims be removed. Accordingly, Claims 1, 4, and 7 have been amended as discussed during the telephone interview. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 101 be withdrawn.

Accordingly, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions, it is respectfully requested that the

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undersigned attorney be contacted at the earliest convenience to discuss the present application.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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